

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

CAROL MILLER,

Plaintiff,

v.

AMERICAN CANADIAN CARIBBEAN
LINE, INC. and *The Grande Mariner*,

Defendants.

Case No.

FILED: JULY 31, 2008

08CV4342

JUDGE ANDERSEN

MAGISTRATE JUDGE COX

AEE

COMPLAINT AT LAW

The Plaintiff, CAROL MILLER, by and through her attorneys, I. Peter Polansky and John Cichon, complaining against the Defendants, AMERICAN CANADIAN CARIBBEAN LINE, INC. and *The Grande Mariner*, states as follows:

1. This is a complaint by a passenger aboard a cruise ship against the cruise ship and cruise line for personal injuries sustained when she was caused to be injured as a result of the Defendants' negligence. Jurisdiction of this cause is proper pursuant to 28 *USCA* § 1333 this being a question arising out of Federal Law under maritime jurisdiction.

2. The Defendant, AMERICAN CANADIAN CARIBBEAN LINE, INC. (hereinafter "AMERICAN CANADIAN"), is a cruise line who is in the business of owning, operating, and maintaining a fleet of passenger cruise liner vessels, including *The Grande Mariner*, which it used to transport passengers throughout the navigable waters of these United States and whose principle place of business is in the state of Rhode Island and is located at 461 Water Street, P.O. Box 368, Warren, Rhode Island 02885.

3. Prior to August 3, 2007, the Plaintiff, CAROL MILLER, paid a consideration to participate in the Elderhostel's Lake Michigan & Beyond: A Nautical Adventure program sponsored by Central Michigan University.

4. Accordingly, at all times relevant hereto the Plaintiff, CAROL MILLER, was a contract passenger for hire and an invitee upon the Defendant's cruise liner vessel, *The Grande Mariner*, within the intendment of the General Maritime law and/or Admiralty law.

5. On August 2, 2007, the Plaintiff, CAROL MILLER boarded *The Grande Mariner* at Chicago, Illinois for an eight day cruise on the navigable waters of the Great Lakes with intended stops in Manistee, Michigan, Holland, Michigan, Beaver Island, Michigan, Marie, Michigan, Sturgeon Bay, Wisconsin, Mackinac Island, Michigan, and with a return stop back to port in Chicago, Illinois.

6. On August 3, 2007, the Plaintiff, CAROL MILLER, was aboard the Defendant's aforementioned vessel when she was caused to slip and fall in her stateroom.

7. Pursuant to the General Maritime Law of the United States of America, Defendants have the absolute and nondelegable duty to provide Plaintiff's with safe accommodations, free from hidden and dangerous defects, a seaworthy vessel, appurtenances, a seaworthy crew, and to provide Plaintiff with a vessel reasonably fit for its intended purpose. The Plaintiff, CAROL MILLER specifically alleges that the Defendant breached its duty to provide the Plaintiff with a safe accommodation.

8. The proximate cause of the above-described fall was the fault, want of care, attention and skill, negligence and inadvertence of the Defendant, aboard the

Defendant's aforementioned vessel, either individually or concurrently in the following non-exclusive respects:

- a. breach of a legally imposed duty of reasonable care owed by the Defendant to the Plaintiff, CAROL MILLER;
- b. failure to provide a reasonably safe place for the passengers aboard the Grande Mariner to enter and exit the bathroom;
- c. failure to take precautions for the safety of passengers and others aboard the Defendant's cruise liner vessel;
- d. failed to warn the Plaintiff and others of the dangerous condition of the threshold and/or bulkhead that existed outside of the bathroom when the Defendant knew or through the exercise of reasonable care should have known that the Plaintiff and others were likely to trip and fall while entering and exiting the bathroom in said area;
- e. failed to protect the plaintiff, CAROL MILLER as she engaged in a reasonable activity aboard the Defendant's vessel which created an unreasonably dangerous environment, thus presenting an unreasonable risk of harm in regards to the matter of control of the environment where passengers frequently walk;
- f. failed to provide a non-skid surface within and on the floor of the Plaintiff's stateroom and adjacent bathroom facility;
- g. failed to provide adequate grip and hand holds within the adjacent stateroom bathroom so as to protect the Plaintiff and other elderly passengers from injuries due to slip and falls while in said stateroom and bathroom.

9. As a direct and proximate result and in consequence of one or more of said negligent acts by the Defendants, the Plaintiff, CAROL MILLER was caused to slip and fall as she was exiting the bathroom of her stateroom and thereby was caused to suffer severe and permanent injuries including multiple fractures to her right ankle which required her to undergo hospitalization and surgery; and as a result of her said injuries the Plaintiff has suffered and with reasonable certainty will continue to suffer great pain and

discomfort; and she has been and will be hindered from attending to her affairs and duties and she has incurred and will in the future continue to become liable for the care and treatment of her said injuries.

WHEREFORE, the plaintiff, CAROL MILLER, asks for judgment against the Defendants, AMERICAN CANADIAN CARIBBEAN LINE, INC., and *The Grand Mariner* in an amount of SEVEN-HUNDRED AND FIFTY THOUSAND DOLLARS (\$750,000.00) plus costs of suit herein.

Respectfully Submitted,

/s/ I. Peter Polansky
I. Peter Polansky
Polansky, Cichon & Batey, Chtd.
Two Prudential Plaza
180 N. Stetson Ave., Suite 5250
Chicago, IL 60601
(312) 346-9241 (telephone)
(312) 704-4431 (telefax)

/s/ John T. Cichon
John Cichon
Polansky, Cichon & Batey, Chtd.
Two Prudential Plaza
180 N. Stetson Ave., Suite 5250
Chicago, IL 60601
(312) 346-9241 (telephone)
(312) 704-4431 (telefax)